

Minicucci, Bob

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Sent: Thursday, June 07, 2007 11:21 AM
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Subject: NH DES ELI project: minutes of work group meeting 6/4/07

Hello - This message serves to record & communicate the discussions at the Monday, June 4, workgroup meeting. However, I'd like to speak on administrative matters for a moment first:

I hope we can discuss this project over the email when we're not meeting face-to-face. I strongly encourage you to use the 'reply to all' option if you have something you want to contribute to the discussion. In our discussions, I hope that we all can offer not necessarily amnesty, but rather a patient and understanding ear. We all have our own duties and points of view and I hope we can express them, and hear them, honestly and without fear. I would like this group to be a safe place for us to consider ideas. That said, you all have my phone and email if there's anything you feel a need to express something privately and I will respect your needs to the best of my ability.

The next meeting of this work group will be **Monday July 2, 2:00 PM, at DES offices in Concord**

Also, these minutes are subject to the review of the attendees. If I've mis-represented things, please let me know.

Work group #1, Reward & Recognition program design, met on Monday June 4 from approximately 2 PM to 4:10 PM at DES offices, 29 Hazen Drive, Concord, NH, Room 114. Attendees were: Tom Burack, DES; Brian Duffy, PSNH; Jean Holbrook, USEPA Reg 1; Linda Landis, PSNH; Bob Minicucci, DES; Andrea O'Brien, NH SBDC; Vince Perelli, DES.

Agenda items were: A) Discussion of draft program design document distributed earlier. Do we agree on the guiding principles? Is the background material provided sufficient? Is the conceptual design provided for the first two tiers appropriate? B) Just how 'good', mostly in terms of compliance, do applicants need to be?

Discussions:

The program design document seems to be written for internal customers, it would need significant re-write for external (to DES/EPA) customers, or to be the basis of a program brochure. The naming of priorities in the introduction was questioned, not so much per the priorities themselves, but rather that the document seems to say that this is all we ever intend to address. To make it clear that we might want to re-focus on different priorities as the years go by, some re-wording to the effect of "at this time, DES finds that these are the priorities..." is called for. Those present had no other comments on the guiding principles or 'background' material.

The small business ("SME") focus of DES' proposal was backed. What is the attitude of the SME community to DES? This got two answers: On the one hand, the attitude is one of fear, especially if they have never been in touch with DES. On the other hand, NH's, and DES', culture of being open and cooperative was noted; there is far more cooperation and communication between businesses and government agencies in NH than in surrounding states.

Entry criteria for a reward & recognition program, especially at the "Tier 1" level, was the focus of most of the discussions. We need to balance actually letting people in with not letting the wrong people in. We went over EPA's compliance criteria for Performance Track (www.epa.gov/performance/track/program/sustain.htm). Specifically for Tier 1 purposes, this was thought to be too high a bar. While a pre-entry site visit/audit/inspection may be appropriate for Tier 2, it would probably scare off all our Tier 1 SMEs, not to mention that DES doesn't have the resources to visit that many people in a timely manner. Complicating the notion of asking a firm to self-certify compliance is the fact that most SMEs don't know what laws they're subject to, much less whether they're in compliance with them.

Are good intentions enough? Tier 1 is currently called aspiring leaders and perhaps that is just the right word. They care enough to try, they have desire. With that in mind, what DES says or offers to these people becomes important - we won't be in a position to state that they're, say, in compliance. What DES would offer them is limited - we could certainly acknowledge their intentions.

One sector-specific DES program that just about fits our Tier 1 definition already is DES's Green Yards program for auto salvage yards (<http://des.nh.gov/SW/GreenYards/>). This was described and discussed briefly, especially in light of the staff burden to visit all the yards in the state. This sector is sort of illustrative of SME issues: DES doesn't permit them (the towns do), but there are any number of DES & other regulations they are expected to comply with. BMPs for this sector already exist. The average number of employees/yard in NH is about 2, so what we can expect of them is limited.

Discussions iterated onto a Tier 1 proposal as follows: *The applicant can have no unresolved criminal problems (i.e., all fines paid and all sentences completely served), and no pending civil/regulatory issues. The applicant should commit to moving toward compliance; commit to move toward sustainability; commit to cutting their costs through environmental efforts and to implement a number of BMPs, many of which are already available or which may be offered by state contractors; and commit to report in writing to us on what they've done to achieve these goals. Entry would be for a defined term, perhaps 3 years. Firms that re-enlisted in the future would be expected to do more the second time around.*

There was some discussion of the relationship between Tiers 1 & 2. Tier 1 firms would be encouraged to move up to Tier 2 when they're ready; we look to Tier 2 firms to recruit/find firms for entry to Tier 1.

How do we find our Tier 1 customers? Those present thought it would be best if it was presented to the prospective applicants as an invitation or a nomination.

There was some discussion of what training to offer, and how to deliver it. How to figure out what laws apply to a firm was one item mentioned, that is an important item for DES. BMPs being offered would represent parts of a full EMS. Making use of DES's existing trainings, such as the RCRA HazWaste coordinator trainings and Water Division's land development permitting seminars was mentioned.

The relationship between DES' proposed Tier 2 and EPA's Performance Track was discussed. To be clear, DES's goal is that cross membership would be available if desired, and was never intended to be a requirement. A common application form is possible, with check-offs as appropriate.

PSNH offered staff time for research purposes.

We discussed the format of the workgroup(s) moving forward. We would like to meet face to face every 30 days or so, but emailed discussions in between are encouraged (see my note at the top). I propose that we should try to have a consensus proposal for the full steering committee by the end of September. I have reserved a meeting room for the next meeting of this work group on **Monday July 2 at 2:00 PM.**

Thank you all
Bob Minicucci
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